

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
Plaintiff,)
v.)
THE SALVATION ARMY,)
Defendant.)
_____)

DAVID M. LAWSON
02-10192

CIVIL ACTION NO.

MAGISTRATE JUDGE BINDER
COMPLAINT
AND JURY TRIAL DEMAND

FILED
2002 JUL 10 10 A
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of retaliation and to make whole Gerard Tomaszewski, Donna Reed, Shannon Trelfa, and Beverlee Garrett, former employees adversely affected by the unlawful employment practices. The Salvation Army retaliated against Gerard Tomaszewski by unlawfully discharging him for complaining about religious harassment based on his religion, Catholic. The Salvation Army also retaliated against Donna Reed, Shannon Trelfa, and Beverlee Garrett by unlawfully discharging them for complaining that they were subjected to sexual harassment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq.

("Title VII").

2. The unlawful employment practices alleged below were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Michigan.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1), of Title VII, 42 U.S.C. Section 2000e-5(f)(1).

4. At all relevant times, Defendant, The Salvation Army (the "Employer"), has continuously been doing business in the State of Michigan and the City of Alpena, and has continuously had and does now have at least fifteen employees.

5. At all relevant times, the Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g) and (h).

CONCILIATION

6. Prior to the institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices hereinafter alleged and to effect voluntary compliance with Title VII through informal methods of conciliation, conference, and persuasion within the meaning of Section 706(b) of Title VII, 42 U.S.C. Section 2000e-5(b).

STATEMENT OF CLAIMS

7. More than thirty (30) days prior to the institution of this lawsuit, Gerard Tomaszewski, Donna Reed, Shannon Trelfa, and Beverlee Garrett filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least October 2000, the Defendant Employer has engaged in unlawful employment practices at its Alpena, Michigan facility in violation of Section 704(a) of Title VII, 42 U.S.C. Section 2000e-3(a). The unlawful practices complained of include the termination of Gerard Tomaszewski, Donna Reed, Shannon Trelfa, and Beverlee Garrett in retaliation for engaging in protected activity.

9. The effect of the practices complained of above has been to deprive Gerard Tomaszewski, Donna Reed, Shannon Trelfa, and Beverlee Garrett of equal employment opportunities and otherwise adversely affect their status as prospective employees, employees, or former employees because they participated in activity made unlawful by Title VII.

10. The unlawful employment practices complained of in Paragraph 8, above, were done with malice and/or reckless indifference to the federally protected rights of Gerard Tomaszewski, Donna Reed, Shannon Trelfa, and Beverlee Garrett.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any

employment practice which discriminates on the basis of retaliation.

B. ORDER Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals who engage in protected activity under Title VII, and which eradicate the effects of its past and present unlawful employment practices.

C. ORDER Defendant Employer to make whole Gerard Tomaszewski, Donna Reed, Shannon Trelfa, and Beverlee Garrett by providing them with compensation for past and future pecuniary and non-pecuniary losses, in amounts to be determined at trial, and by affording them other affirmative relief necessary to eradicate the effects of the Defendant Employer's unlawful employment practices; and by providing them with appropriate back pay with prejudgment interest, in amounts to be proved at trial, reinstatement, and other affirmative relief necessary to eradicate the effects of its unlawful practices.

D. ORDER Defendant Employer to pay punitive damages to Gerard Tomaszewski, Donna Reed, Shannon Trelfa, and Beverlee Garrett for its malicious and/or reckless conduct described in Paragraph 8, above.

E. ORDER Defendant Employer to provide training to its management employees regarding Title VII's prohibitions against discrimination and retaliation.

F. GRANT such further relief as the Court deems necessary and proper.

G. AWARD the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by this Complaint.


Respectfully submitted,

NICHOLAS M. INZEO
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 "L" Street, N.W.
Washington, D.C. 20507

7/9/02
DATE


ADELE RAPPORT (P44833)
Regional Attorney

ROBERT K. DAWKINS (P38289)
Supervisory Trial Attorney

Patrick V. McNamara Building
477 Michigan Ave., Room 1540
Detroit, Michigan 48226
(313) 226-3406